



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 21, 2012

A & S Engineering, Inc.
Attn: Ahmad Ghaderi
28405 Sand Canyon Road
Canyon Country, CA 91387

**Regarding: PROJECT NUMBER R2010-01785-(4)
CONDITIONAL USE PERMIT NUMBER 201000168
ZONE CHANGE NUMBER 201100007
11347 E. WASHINGTON BOULEVARD, UNICORPORATED WHITTIER**

Dear Applicant:

The Regional Planning Commission, by its action of June 20, 2012, is recommending **APPROVAL** of the above described legislative matter to the Los Angeles County Board of Supervisors and approved Conditional Use Permit 201000168. The attached documents contain the Regional Planning Commission's findings and conditions relating to this action. Please carefully review each condition.

Please be advised that all permits associated with the legislative matter are automatically called up for review by the Board of Supervisors. Therefore, final action has not been taken on these matters and no appeal is available at this stage. The Executive Office of the Board of Supervisors will provide notice of a future public hearing on this matter.

For further information pertaining to these approvals and approval recommendation, please contact Michele Bush in the Zoning Permits East Section at (213) 974-6435 or e-mail at mbush@planning.lacounty.gov.

Sincerely,

Richard J. Bruckner
Director

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions

c: BOS, DPW (Building and Safety), Zoning Enforcement, ABC, Sheriff,
Black Gold Corporation, 11347 Washington Blvd., Whittier, CA 90606

MM:mrh

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2010-01785-(4)
CONDITIONAL USE PERMIT 201000168
ZONE CHANGE 201100007
ENVIRONMENTAL ASSESSMENT 01-064
11347 E. WASHINGTON BLVD., WHITTIER CA 90606**

REQUEST

The applicant is requesting a conditional use permit, pursuant to Sections 22.40.040 and 22.56.195 of the County Code, to authorize the sale of beer and wine for off-site consumption. The applicant is concurrently requesting a zone change from C-2-BE (Neighborhood Business, Billboard Exclusion) to C-3-BE-DP (Unlimited Commercial, Billboard Exclusion, Development Program) to authorize the construction, operation and maintenance of a self-serve automatic car wash. The conditional use permit is required to implement the development program in connection with the –DP overlay that is a part of the zone change on a 0.44 acre parcel located at 11347 E. Washington Blvd., Whittier, in the Whittier Zoned District. The subject property is currently developed with a gas station/food mart. The project was previously approved under Project No. 01-064.

REGIONAL PLANNING COMMISSION HEARING DATE: 06/20/2012

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION

A duly noticed public hearing was held on June 20, 2012 before the Regional Planning Commission. Commissioners Pedersen, Valadez, Helsley, and Louie were present. Commissioner Modugno was absent. The applicant's representative, Ahmad Ghaderi, presented testimony in favor of the request and answered questions presented by the Commission. The Commission discussed landscaping on the site and required additional plantings and planters to be provided. There being no further testimony, the Commission closed the public hearing and recommended the Board of Supervisors approve the Conditional Use Permit and Zone Change.

FINDINGS

1. The subject property is located at 11347 E. Washington Blvd., Whittier, in the unincorporated community of West Whittier-Los Nietos within the Whittier Downs Zoned District.
2. The applicant, A & S Engineering, is proposing to construct, operate and maintain a self-serve automatic car wash and to authorize the sale of beer and wine for off-site consumption at an existing gas station facility with food mart located on the 0.44-acre subject property located at 11347 East Washington Boulevard in the unincorporated community of West Whittier-Los Nietos. The subject property is currently zoned C-2-BE (Neighborhood Commercial, Billboard Exclusion), which does not allow for automatic car washes. Therefore, the applicant is requesting a change from the existing zone to the C-3-BE-DP (Unlimited Commercial, Billboard Exclusion, Development Program) along with a CUP to implement the development program in connection with the –DP overlay to allow for the automatic car wash. The project was previously approved by the Regional Planning Commission under Project No. 01-064, which was a request to authorize the construction, operation and maintenance of a self-serve automatic car wash and zone change from C-2-BE to C-3-BE-DP. A combined hearing was held before the Board of Supervisors, concerning the zone change and conditional use permit requests. The Board denied the

zone change and conditional use permit due to the applicant not meeting the posting requirements.

3. The Subject Property is currently designated 1-Low Density Residential - 1 to 6 dwelling units per acre (du/ac) in the Countywide Land Use Plan. Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map.
4. The Subject property is currently zoned C-2-BE. Concurrent with this approval, the Planning Commission is recommending the Board of Supervisors approve Zone Change Case No. 201100007. If approved by the Board of Supervisors, the subject property will be zoned C-3-BE-DP. Approval of this permit will not become effective unless and until the Board of Supervisors has adopted an ordinance effecting the proposed zone change and such ordinance has become effective.
5. The Surrounding Properties are zoned as follows:
North: R-1 (Single-Family Residence)
South: City of Santa Fe Springs
East: C-2-BE (Neighborhood Business-Billboard Exclusion)
West: C-2-BE (Neighborhood Business-Billboard Exclusion) and
R-3-P (Limited Multiple Residence-Parking)

Surrounding land uses within 500 feet include:

North: Single-Family Residential
South: Commercial
East: Commercial
West: Commercial

6. There are two previous zoning cases that were approved on the subject property. Zone Exception Case No. 6630 was approved March 12, 1963, to allow automobile repair as a permitted use in the C-2 Zone. The property is not currently being used for automobile repair.

Plot Plan No. 33412 was approved in 1984 with subsequent revisions, to allow for the following:

- September 1, 1984, an automobile gas station with an 800 square foot (sq. ft.) food mart with two parking spaces, including one handicapped space and 1,950 sq. ft. of landscaping. The food mart is permitted to sell prepackaged food only. No food preparation or consumption is allowed on the premises;
 - May 14, 1985, remodeling of the gas station with an 800 sq. ft. food mart with four parking spaces, including one handicapped space and 2,065 sq. ft. of landscaping;
 - August 21, 1986, addition of a three-sided price sign to an existing freestanding sign; and
 - October 30, 1986, a four product gasoline price sign.
7. The site plan depicts a 0.44-acre parcel of land developed with an existing 800 square foot food mart, fueling islands, and three underground single-wall fiberglass gas tanks. The fueling station islands are covered by an existing 24.5 ft. by 47.5 ft. canopy. The site plan also depicts four standard parking spaces and one handicap accessible space. The project

proposes to develop a new 18 foot by 42 foot tunnel-structured car wash along the western boundary of the parcel and add one additional parking space to serve patrons of the car wash. The subject property is accessed from Washington Boulevard and Broadway Avenue via existing driveways.

8. The applicant has submitted elevations that depict the proposed car wash from the north, south and west. The north elevation depicts the car wash entrance, the south elevation depicts the car wash exit and the west elevation depicts the length of the structure as 44 feet. Signs are depicted on the north (entrance sign), south (exit sign), and west (car wash sign) elevations. The building height is shown as 14 feet.
9. The applicant has submitted floor plans of the proposed car wash and the existing food mart. The floor plan of the proposed car wash depicts the area of the car wash as 17 feet wide by 42 feet long, for a total area of 714 square feet. The floor plan of the existing food mart depicts the location of the sales floor, walk-in cooler, storage, restroom, shelves, and cashier area. The floor plan also includes a shelf plan for the proposed sale of beer and wine for off-site consumption. The shelf space for beer and wine is not more than five percent (5%) of the total shelf space in the establishment.
10. The project will comply with the development standards of the proposed C-3 zone and the requirements of the –BE and –DP zones, as set forth in Sections 22.28.220 and 22.40.110 and Chapter 22.40, Part 2, of the Los Angeles County Code.
11. Section 22.28.220A of the County Code requires that not more than 90 percent of the net area be occupied by buildings, and that a minimum of 10 percent of the net area be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. The applicant's site plan depicts approximately 14 percent of the subject property occupied by the food mart, the canopy (which covers the fueling islands) and the proposed car wash and 10 percent of the property landscaped. The applicant's site plan is in compliance with the lot coverage and landscaping requirements.
12. Pursuant to Section 22.28.220 of the County Code, parking facilities for the existing gas station/food mart must be provided as required by Part 11 of Chapter 22.52. Section 22.52.1100 requires one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure used for commercial purposes. The total square footage of the floor area, as calculated for the existing gas station/food mart building, is 800 square feet, which requires three parking spaces. The proposed car wash is not considered a separate commercial use from the existing gas station operation and is not calculated separately in the parking calculations as the gas station/food mart. Three parking spaces are currently provided and will be maintained on the project site. Pursuant to Section 22.52.1070 of the County Code, one accessible space shall be provided for a project requiring 1 to 40 standard parking spaces. One handicapped accessible space is currently provided and will be maintained on the project site. The County Code requires a total of four parking spaces for the project site. The project proposes six parking spaces, which exceeds the parking standards.
13. Pursuant to Section 22.28.220.C and D of the County Code, all display shall be located entirely within an enclosed building, with certain exceptions, unless otherwise authorized by a temporary use permit, and outside storage is permitted on the rear of a lot or parcel of land when such storage is strictly incidental to the permitted use. The applicant is not proposing outside display or storage as part of this request.

14. Pursuant to Section 22.40.100 of the County Code, Zone ()-BE is established to provide for certain commercial and industrial areas within the County to be free from outdoor advertising signs where such signs could cause hazards to pedestrians and motorists, detract from the appearance of such areas as places to shop and work, or be detrimental to an important aspect of the economic base of such areas by detracting from the natural beauty and environment of such areas. No such signage is proposed as a part of this project.
15. Pursuant to Section 22.52.870, business signs are permitted in the C-3 zone, subject to the restrictions outlined in Section 22.52.880 – 22.52.920. No new business signs are proposed by the applicant at this time. Any new signs will be subject to the signage provisions of the County Code.
16. The applicant is required to submit a development program, consisting of a plot plan and a progress schedule, in accordance with 22.40.050 of the County Code. The applicant has provided a plot plan depicting all required features of the proposed development on the property, but a progress schedule has not been submitted. As a condition of this grant, the applicant will be required to submit a progress schedule including all phases of development and indicating the sequence and time period within which the improvements described will be made.
17. The hours of operation for the proposed automatic car wash will be 7 a.m. to 8 p.m., Monday through Friday, and 8 a.m. to 8 p.m., Saturday and Sunday. Section 12.08.450 of the Noise Ordinance limits the operation of forced air blowers between the hours of 7 a.m. to 8 p.m.
18. An Acoustical Analysis was prepared by A & S Engineering, Inc., dated August 18, 2011, which demonstrated that with proposed conditions, the noise produced by the car wash will not exceed ambient levels.
19. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project.
20. The applicant has agreed to the installation of a seven foot high block wall along the northern property line, where the property adjoins the alley, for the full length of the alley. The applicant has also agreed to install a seven foot high block wall along the western property line at the side of the proposed car wash and have it extend ten feet beyond the entrance and exit of the car wash to prevent excess moisture from blowing out of the car wash on to neighboring properties.
21. The subject property is surrounded by commercial, single-family and multi-family residential land uses. There are sensitive uses within 600 feet of the subject property. The Santa Fe Kid Company of Whittier Preschool, Capella Christian Academy and a portion of the property containing Cornerstone Pre-School is located within 600 feet of the subject property. The Cornerstone Pre-School building is approximately 800 feet from the subject property.
22. There are establishments within 500 feet of the project site that sell alcoholic beverages. Chris' & Pitt's Restaurant, selling full liquor for on-site consumption, is located

approximately 115 feet south of the project site; Embers Lounge, selling full liquor for on-site consumption, is located approximately 144 feet southwest of the project site; and The Stein Bar and Kwik Serv Liquor are both located approximately 358 feet west of the project site.

23. Pursuant to County Code Section 22.56.195, a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment. The applicant has provided a shelf plan identifying the shelf space devoted to alcoholic beverages which meets the five percent requirement.

The subject gas station use has been in operation for more than 20 years and is compatible with the existing neighborhood. This gas station/food mart does not currently sell alcoholic beverages.

24. Based on information from the California Department of Alcoholic Beverage Control (ABC) a total of four licenses for the sale of alcoholic beverages for off-site consumption are permitted within this census tract; three such licenses exist. The addition of a license for the gas station/food mart will not create an undue concentration within the census tract.
25. Staff received a Business and Practices Worksheet (B & P Worksheet) from the California Department of Alcoholic Beverage Control dated December 6, 2010. This worksheet includes crime reporting district and census tract based statistics on reported criminal activity and existing alcohol licenses. According to the B & P Worksheet, the subject property is located in crime reporting district number 1576 where 393 offenses occurred. The average number of offenses per reporting districts was 151.74; therefore reporting district 1576 is considered a high crime reporting district. The subject property is located in census tract number 5022, where four alcoholic licenses that allow the sale of alcoholic beverages for off-site consumption are allowed, and three such licenses exist. Therefore, census tract 5022 does not have an undue concentration of alcohol permits.
26. Pursuant to provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Regional Planning website posting.
27. No comments were received from the public opposing this proposal.
28. The applicant has provided the required Burdens of Proof to substantiate facts identified by Sections 22.56.040, 22.56.195 and 22.16.110 Part 2 of the Los Angeles County Code.
29. The sale of beer and wine will add to the product line already sold by the gas station/food mart and improve its economic welfare. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
30. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to twenty (20) years.

31. The project will comply with the requirements set forth in Section 22.40.070 of the Los Angeles County Code.
32. The Commission finds that with the proposed changes, the proposed car wash will be sufficiently buffered from adjacent uses. Compliance with the conditions of approval and with the development program for the subject property will further ensure the project's compatibility with surrounding land uses.
33. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will not result in an undue concentration of similar uses, and that the public convenience for an additional facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, and that the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the

immediate neighborhood so as to cause blight, deterioration or substantially diminish or impair property values within the neighborhood; and

- J. That the use, development of land and/or application of development standards, when considered on the basis of the suitability of this site for the particular use or development intended, is arranged as to avoid traffic congestion, insure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and is in conformity with good zoning practice; and
- K. That the development program will provide necessary safeguards to insure completion of the proposed development by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare or development needs of the area.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burdens of proof for a Conditional Use Permit, as set forth in Sections 22.56.040 and 22.56.195 of the Los Angeles County Code.

REGIONAL PLANNING COMMISSION ACTION

- 1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect of the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
 - 2. In view of the findings of fact and conclusions presented above, Project No. 2010-01785/Conditional Use Permit Case No. 201000168 is APPROVED subject to the attached conditions and further subject to approval by the Board of Supervisors of Zone Change Case No. 201100007.
- c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE

Concurring: Pedersen, Valadez, Helsley, Louie

Dissenting:

Abstaining:

Absent: Modugno

Action Date: June 20, 2012

MRB:MM
06-20-12

**THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2010-01785-(4)
ZONE CHANGE NO. 201100007**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case No. 201100007 on June 20, 2012; and

WHEREAS, the Regional Planning Commission finds as follows:

1. The subject property is located at 11347 E. Washington Blvd., Whittier, in the unincorporated community of West Whittier-Los Nietos within the Whittier Downs Zoned District.
2. The applicant is requesting a Zone Change from C-2-BE (Neighborhood Commercial, Billboard Exclusion) to C-3-BE-DP (Unlimited Commercial, Billboard Exclusion, Development Program) on a 0.44-acre parcel. The Development Program designation will assure that development occurring after rezoning will conform to the approved plans and will ensure compatibility with the surrounding area. As applied in this case, the Conditional Use Permit will restrict the development of the re-zoned site to a gas station/food mart and self-serve automatic car wash. Aside from the automatic car wash, the property may be utilized for any other use allowed by right within the C-2 (Neighborhood Business) zone. All other uses allowed within the C-3 (Unlimited Commercial) zone shall require a new conditional use permit.
3. The zone change request was heard concurrently with Conditional Use Permit Case No. 201000168 at the June 20, 2012 public hearing.
4. Conditional Use Permit Case No. 201000168 is a related request to authorize the sale of beer and wine for off-site consumption on the same property as an existing gas station/food mart. the conditional use permit is also required to implement the development program in connection with the DP overlay that is a part of the zone change.
5. The site plan depicts a 0.44-acre parcel of land developed with an existing 800 square foot food mart, fueling islands, and three underground single-wall fiberglass gas tanks. The fueling station islands are covered by an existing 24.5 ft. by 47.5 ft. canopy. The site plan also depicts four standard parking spaces and one handicap accessible space. The project proposes to develop a new 18 foot by 42 foot tunnel-structured car wash along the western boundary of the parcel and add one additional parking space to serve patrons of the car wash. The subject property is accessed from Washington Boulevard and Broadway Avenue via existing driveways.

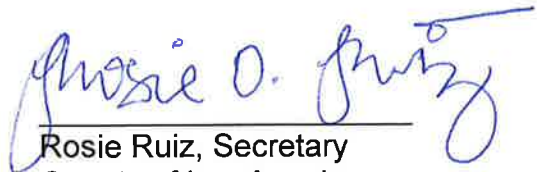
6. The Subject Property is currently designated 1-Low Density Residential - 1 to 6 dwelling units per acre (du/ac) in the Countywide Land Use Plan. Within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial and industrial services, schools, churches, local parks and other community-serving public facilities. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map.
7. The Subject property is currently zoned C-2-BE (Neighborhood Business-Billboard Exclusion). This zoning was established on December 6, 1984. Since the proposed automatic carwash is not permitted in the C-2 (Neighborhood Business) zone, a zone change to C-3-BE-DP (Unlimited Commercial-Billboard Exclusion-Development Program) is required to authorize the proposed use of the subject property.
8. Surrounding zoning is R-1 (Single-Family Residence) to the north, C-2-BE (Neighborhood Business-Billboard Exclusion) to the east and C-2-BE (Neighborhood Business-Billboard Exclusion / R-3-P (Limited Multiple Residence-Parking) to the west. The City of Santa Fe Springs is to the south.
9. Surrounding land uses consist of single-family residential to the north, commercial to the south, east and west.
10. Modified conditions warrant a revision in the zoning of the subject property in that the demand in the vicinity for services such as the proposed use has grown since the existing zone was established in 1984.
11. A need for the proposed zone classification exists within the community because the proposed automatic car wash will provide a public convenience for the patrons of the gas station/food mart and the local community.
12. The subject property is a proper location for the proposed C-3-BE-DP zoning classification and placement of the proposed automated carwash is compatible with the existing gas station use at this location. The gas station and carwash are sufficiently buffered from adjacent uses by an alley, block walls and landscaping. The proposed development is compatible with the surrounding zoning and land uses.
13. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project.

14. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

NOW, THEREFORE, BE IT RESOLVED, That the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board of Supervisors hold a public hearing to consider the recommended change of zone from C-2-BE (Neighborhood Business-Billboard Exclusion) to C-3-BE-DP (Unlimited Commercial-Billboard Exclusion-Development Program) on the subject property; and
2. That the Board of Supervisors adopt the Negative Declaration, dated June 20, 2012, certify its completion and determine that the project will not have a significant impact upon the environment; and
3. That the Board of Supervisors find the recommended zoning is consistent with the Los Angeles County General Plan; and
4. That the Board of Supervisors find that the public convenience, the general welfare and good zoning practice justify the recommended change of zone; and
5. That the Board of Supervisors adopt the above recommended change of zone.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on June 20, 2012.


Rosie Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2010-01785-(4)
CONDITIONAL USE PERMIT NO. 201000168**

PROJECT DESCRIPTION

The applicant, A & S Engineering, is proposing to construct, operate and maintain a self-serve automatic car wash and to authorize the sale of beer and wine for off-site consumption at an existing gas station facility with food mart located on a 0.44-acre property. The subject property is currently zoned C-2-BE (Neighborhood Commercial, Billboard Exclusion), which does not allow for automatic car washes. Therefore, the applicant is requesting a change from the existing zone to the C-3-BE-DP (Unlimited Commercial, Billboard Exclusion, Development Program) along with a CUP to implement the development program in connection with the -DP overlay to allow for the automatic car wash.

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 11 shall be effective immediately upon the date of final approval of this grant by the County. Further, this grant shall not become effective unless and until the Los Angeles County Board of Supervisors has adopted Zone Change 201100007, and an ordinance effecting such change of zone has become effective.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 20, 2032.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **10 biennial** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and

shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$2,101.50 plus \$75.00 processing fee. No land use project subject to this requirement is final, vested or operative until the fee is paid.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
13. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
14. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
15. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The permittee shall comply with all recommended conditions and requirements contained in the attached County of Los Angeles Department of Public Works letter dated April 4, 2012, except as otherwise required by said department.
18. The permittee shall comply with all recommended conditions and requirements contained in the attached County of Los Angeles Fire Department letter dated March 7, 2012, except as otherwise required by said department.

19. The permittee shall comply with all recommended conditions and requirements contained in the attached County of Los Angeles Public Health Department letter dated January 17, 2012, except as otherwise required by said department.
20. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
21. The applicant shall submit three copies of a landscape plan to Regional Planning within sixty (60) days of the date of final approval.
22. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for review and approval a development progress schedule, which shall include all phases of development and indicate the sequence and time period within which the improvements described will be made.

PERMIT SPECIFIC CONDITIONS

23. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
24. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
25. The permittee, and all managers and designated employees of the establishment, who are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program, provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
26. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
27. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
28. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
29. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.

30. No sale of alcoholic beverages shall be made from a drive-in window.
31. Any conditions on hours of alcohol sale should be consistent with store operating hours. Alcohol sales shall be prohibited between 2 a.m. to 11 a.m., seven (7) days a week, consistent with California state law.
32. There shall be no beer sold in containers under one quart or in less than six-pack quantities.
33. No display of alcoholic beverages shall be made from an ice tub.
34. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises.
35. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
36. Employees on duty after 10:00 pm shall be at least 21 years of age.
37. Employees on duty from the hours of 10:00 p.m. and 2 a.m. who sell alcohol shall be at least 21 years old.
38. No beer or wine advertising shall be located on motor fuel islands.
39. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
40. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold.
41. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
42. The permittee shall provide adequate lighting above all entrances and exits to the premises.
43. The sale of fortified wines shall be prohibited.
44. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be hooded, deflected, shaded and focused away from all adjoining properties to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee or required as a condition of this grant;

45. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.
46. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected or moved onto any part of the property.
47. No existing building or structure, which under the program is to be demolished, shall be used.
48. No existing building or structure, which under the program is to be altered, shall be used until such building or structure has been so altered.
49. All improvements shall be completed prior to the occupancy of any structures.
50. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
51. Where specifically so indicated in approval of the development program, such schedule may permit development to be completed in phases.

PROJECT SITE SPECIFIC CONDITIONS

52. Construction of the automatic carwash shall not begin until this grant is effective as provided in Condition No. 2.
53. No restaurant or similar type seating is permitted on the subject property, including inside or outside the subject food mart.
54. The permittee shall provide and continuously maintain a minimum of five on-site automobile parking spaces (three (3) standard, one (1) accessible and one (1) for carwash patrons), developed to the specifications provided in Section 22.52.1060 of the County Code.
55. Aside from the automatic car wash, the property may be utilized for any other use allowed by right within the C-2 (Neighborhood Business) zone. All other uses allowed within the C-3 (Unlimited Commercial) zone shall require a new conditional use permit.
56. The height of the building containing the automatic carwash shall not exceed 14 feet from finished grade.
57. The hours of operation for the proposed automatic car wash and dryer unit will be 7 a.m. to 8 p.m., Monday through Friday, and 8 a.m. to 8 p.m., Saturday and Sunday. Section 12.08.450 of the Noise Ordinance limits the operation of forced air blowers between the hours of 7 a.m. to 8 p.m.
58. All display shall be located entirely within an enclosed building unless otherwise authorized by a Temporary Use Permit.
59. Outside storage is permitted on the rear of the subject property when such storage is incidental to the permitted use and complies with Section 22.28.220 of the County Code.

60. Outside advertising signs are prohibited on the subject property.
61. The permittee shall install a seven foot high block wall along the northern property line, where the property adjoins the alley and neighboring single-family residences, for the length of the alley excluding the existing driveway access from the alley.
62. The permittee shall install a seven foot high block wall along the western property line, at the side of the proposed car wash, and have it extend ten feet beyond the entrance and exit of the carwash.
63. The permittee shall install a Noise Reduction Package (NRP) on the dryer unit.
64. There shall be no outdoor public address system or other sound amplification, or similar acoustical devices audible beyond the property boundaries.
65. The applicant shall provide a landscape plan to Regional Planning. All landscaping shall be maintained in a neat, clean and healthful condition throughout the life of this grant, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary. The landscaping shall be a minimum of ten (10) percent of the net area of the subject property.
66. The permittee shall maintain a current contact name, address and telephone number on file with the Department of Regional Planning at all times.

Attachments:

Applicant's Development Plan dated June 4, 2012
Fire Department letter dated March 7, 2012
Public Health letter dated January 17, 2012
Public Works letter dated April 4, 2012

MRB:MM
06/20/12